

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

THOMAS M. O'CONNELL (NYSBN 1501950)
DANIEL R. KALEBA (CABN 223789)
Assistant United States Attorneys

150 Almaden Boulevard, Suite 900
San Jose, CA 95113
Telephone: (408) 535-5061
Fax: (408) 535-5066
E-Mail: thomas.m.oconnell@usdoj.gov
daniel.kaleba@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00595 LHK
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME
v.)	
)	
ADRIAN GAMINO,)	
)	
Defendant.)	
))	

UNITED STATES OF AMERICA,)	No. CR 11-00596 EJD
)	
Plaintiff,)	
)	
v.)	
)	
ADRIAN GAMINO and)	
MARIA HERNANDEZ,)	
)	
Defendants.)	
)	

//

//

1 On October 26, 2011, the court ordered the above cases related pursuant to Criminal
2 Local Rule 8-1. The first case, charging defendant ADRIAN GAMINO was called on November
3 16, 2011 before Judge Koh, and continued to December 14, 2011. Gamino and his co-
4 defendant, Maria Hernandez, in case CR11-596 are also set for December 14, 2011, before Judge
5 Koh. The cases were all put over so that so that the discovery process could be commenced and
6 defense counsel would have sufficient time to review the materials and confer with their clients.
7 However, in order to comply with Local Rule 8-1, the cases should be consolidated to the same
8 dates. Moreover, discovery is still not complete. The parties therefore hereby stipulate and
9 agree to continue both matters until December 14, 2011, and to exclusions of time under the
10 Speedy Trial Act, and that said exclusions of time are appropriate based on the defendants' need
11 for effective preparation of counsel.

12
13 SO STIPULATED:

MELINDA HAAG
United States Attorney

14
15 DATED: November 17, 2011

_____/s/_____
THOMAS M. O'CONNELL
Assistant United States Attorney

16
17 DATED: November 17, 2011

_____/s/_____
CYNTHIA LIE
Counsel for ADRIAN GAMINO

18
19 DATED: November 17, 2011

_____/s/_____
VICKI YOUNG
Counsel for MARIA HERNANDEZ

20
21
22
23
24
25
26
27
28

1 Accordingly, for good cause shown, the Court HEREBY ORDERS that both cases CR
2 11-00595 and CR 11-00596 are continued until December 14, 2011. The Court further finds
3 that based on the defendant's need for effective preparation of counsel, the ends of justice
4 served by granting the requested continuance outweigh the interest of the public and the
5 defendant in a speedy trial. The failure to grant the requested continuance would deny defense
6 counsel reasonable time necessary for effective preparation, taking into account the exercise of
7 due diligence, and would result in a miscarriage of justice. The Court therefore concludes that
8 this exclusion of time should be made under 18 U.S.C. §§ 3161(h) (7)(B)(iv).

9
10 SO ORDERED.

11
12 DATED: 11/17/11

13 
14 LUCY H. KOH
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28